

# HOUSE BILL 329

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CF SB 338

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By: **Delegates Carter, Conaway, McConkey, and Vallario**

Introduced and read first time: January 27, 2010

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 23, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Estates and Trusts – Elective Share – Extension of Time for Making Election**

3 FOR the purpose of authorizing a surviving spouse, within the period provided for  
4 making an election to take an elective share of the deceased spouse's estate, to  
5 file with the court a petition for an extension of time, with a copy given to the  
6 personal representative; repealing the limitation that the court may only grant  
7 an extension before the expiration of the time in which to make the election; and  
8 generally relating to the election by a surviving spouse to take an elective share  
9 of the deceased spouse's estate.

10 BY repealing and reenacting, with amendments,  
11 Article – Estates and Trusts  
12 Section 3–206  
13 Annotated Code of Maryland  
14 (2001 Replacement Volume and 2009 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Estates and Trusts**

18 3–206.

19 (a) (1) The election by a surviving spouse to take an elective share shall  
20 be made within the later of:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (i) Nine months after the date of the decedent’s death; or

2 (ii) Six months after the first appointment of a personal  
3 representative under a will.

4 (2) (I) **WITHIN THE PERIOD FOR MAKING AN ELECTION, THE**  
5 **SURVIVING SPOUSE MAY FILE WITH THE COURT A PETITION FOR AN EXTENSION**  
6 **OF TIME, WITH A COPY GIVEN TO THE PERSONAL REPRESENTATIVE.**

7 (II) **[The] FOR GOOD CAUSE SHOWN, THE** court may extend  
8 the time for election**[, before its expiration,]** for a period not to exceed three months at  
9 a time**[, upon notice given to the personal representative and for good cause shown].**

10 (b) The surviving spouse may withdraw the election at any time before the  
11 expiration of the time for making the election to take an elective share.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.